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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,595	08/31/2000	Ruth Marie Tritz	25213	4590

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/653,595

**Applicant(s)**

TRITZ ET AL.

**Examiner**

Narayanswamy Subramanian

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9,26-32 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9,26-32 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to the request for continued examination filed on August 3, 2004. Cancellation of claims 17-25 and 33-39, and amendments to claim 1 have been entered. Applicant's argument with respect restriction of claim 40 is persuasive and hence Examiner withdraws the restriction requirement of claim 40. Rejection of claim 1 under 35 USC § 101 made in the office action mailed on March 11, 2004 (Paper No. 14) has been withdrawn by the Examiner in view of the amendments. Claims 1-9, 26-32 and 40 are pending in the application and have been examined. The rejections and response to arguments are stated below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 26-32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US Patent 6,088,686) in view of Basch et al (US Patent 6,119,103)

With reference to claims 1, 4, 5, 9, 28, 29 and 40, Walker teaches a method and a computer-readable medium storing computer-readable instructions for automatically evaluating a financial account applicant for a financial institution, comprising the acts of: electronically accessing credit bureau data for the applicant; electronically accessing account information for the applicant; electronically generating a score for the applicant; and determining whether to open the financial account based on the score (See Walker Abstract, Column 1 lines 33-40,

Art Unit: 3624

Column 2 lines 1'-21 and Column 3 lines 49-54). The step of accessing credit bureau data for the applicant is inherent in the disclosure of Walker. The computerized system of Walker implies a computer-readable medium storing computer-readable instructions for performing the steps listed in the claim.

Walker does not explicitly teach the step of generating a score for the applicant based on the credit bureau data and the account information.

Basch teaches the step of generating a score for the applicant based on the credit bureau data and the account information (See Basch Column 5 lines 11-16, 21-29, Column 6 line 64 – Column 8 line 2 and Column 9 lines 24-34). Basch considers credit bureau data (See Basch Column 7 lines 64-66) and account information (See Basch Column 7 lines 15-29) in generating a score; a computer-readable medium storing computer-readable instructions for generating a score and the score being a numerical score is inherent in the disclosure of Basch. Considering demographic data including income and home ownership in making decisions is old and well known in the art.

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the disclosure of Walker. The combination of the disclosures taken as a whole suggests that Financial Institutions would have benefited from the early warnings about the risks associated with opening an account.

With reference to claims 2, 3, 26 and 27 Walker teaches a method and a computer-readable medium storing computer-readable instructions of claims 1 and 9 respectively, wherein the act of determining whether to open the financial account includes the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score

Art Unit: 3624

to evaluate whether to accept the application and further comprising the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant (See Walker Column 2 lines 1-38). The steps of establishing electronic guidelines and comparing the guidelines against the score are inherent in the disclosure of Walker.

With reference to claims 6-8 and 30-32 Walker and Basch combined teach a method and a computer-readable medium storing computer-readable instructions of claims 1 and 9 respectively as discussed above.

Walker and Basch combined do not explicitly teach the steps of performing a preliminary database search, denying the applicant if the preliminary database search establishes that the applicant had prior problems with their accounts or obtaining one.

Official notice is taken that the steps of performing a preliminary database search, denying the applicant if the preliminary database search establishes that the applicant had prior problems with their accounts or obtaining one are old and well known in the art. These steps help financial institutions screen applicants who may be bad risk for the financial institution.

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the combined disclosures of Basch and Walker. The combination of the disclosures taken as a whole suggests that Financial Institutions would have benefited from early screening of applicants who may be bad risk for the financial institution.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-9 and 26-32 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3624

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065. The fax number for Formal or Official faxes and Draft to the Patent Office is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian  
October 17, 2004



Jagdish N. Patel  
Primary Examiner